

TITLE 4. PROFESSIONS AND OCCUPATIONS**CHAPTER 49. BOARD OF ATHLETIC TRAINING**

Editor's Note: 4 A.A.C. 49 was adopted to enforce Arizona Revised Statutes, Title 32, Chapter 41. The rules in this Chapter were adopted by final rulemaking at 7 A.A.R. 1374, effective March 7, 2001 (Supp. 01-1).

ARTICLE 1. GENERAL PROVISIONS

Article 1, consisting of Sections R4-49-101 through R4-49-104, adopted by final rulemaking at 7 A.A.R. 1374, effective March 7, 2001 (Supp. 01-1).

Section

- R4-49-101. Definitions
- R4-49-102. Fees
- R4-49-103. Board Operations
- R4-49-104. Service by the Board

ARTICLE 2. LICENSURE

Article 2, consisting of Sections R4-49-201 through R4-49-206, adopted by final rulemaking at 7 A.A.R. 1374, effective March 7, 2001 (Supp. 01-1).

Section

- R4-49-201. Qualifications for Licensure
- R4-49-202. Original License Application
- R4-49-203. Renewal License
- R4-49-204. Expired License: Reinstatement
- R4-49-205. License Application Review
- R4-49-206. License Display

ARTICLE 3. HEARINGS

Article 3, consisting of Sections R4-49-301 through R4-49-302, adopted by final rulemaking at 7 A.A.R. 1374, effective March 7, 2001 (Supp. 01-1).

Section

- R4-49-301. Hearing Procedures
- R4-49-302. Rehearing or Review of Decision

ARTICLE 4. ATHLETIC TRAINING PRACTICE

Article 4, consisting of Sections R4-49-401 through R4-49-404, adopted by final rulemaking at 7 A.A.R. 1374, effective March 7, 2001 (Supp. 01-1).

Section

- R4-49-401. Scope of Practice
- R4-49-402. Direct Supervision of Athletic Training Students
- R4-49-403. Standards of Practice
- R4-49-404. Code of Ethics
- R4-49-405. Direction of a Licensed Physician

ARTICLE 1. GENERAL PROVISIONS**R4-49-101. Definitions**

In addition to the definitions at A.R.S. § 32-4101, in this Chapter:

1. "Accredited educational institution" means an educational institution accredited by the North Central Association of Colleges and Schools, Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, Northwest Association of Schools and Colleges, Western Association of Schools and Colleges, or Southern Association of Colleges and Schools.
2. "Active pursuit of athletic training certification" means:
 - a. Current enrollment in an educational program to fulfill academic requirements for athletic training certification; or

- b. Current participation in fieldwork experience to fulfill the fieldwork experience requirements for athletic training certification.
3. "Administrative completeness review time-frame" has the same meaning as in A.R.S. § 41-1072(1).
4. "Applicant" means an individual requesting an original license, a renewal license, or a reinstated license from the Board.
5. "Application packet" means the forms and documents the Board requires an applicant to submit or to be submitted on an applicant's behalf.
6. "Approved national athletic training certifying agency," means the National Athletic Trainers' Association Board of Certification, Inc.
7. "Athlete" means:
 - a. A person participating in, or preparing for, a competitive team or individual sport; or
 - b. A member of a professional athletic team.
8. "Athletic training certification" means current athletic trainer certification provided by the National Athletic Trainers' Association Board of Certification, Inc.
9. "Completed application" means an application packet that is correctly completed and includes the verified signature of the applicant, applicable fees, and all required documentation.
10. "Confidential record" means:
 - a. Minutes of executive sessions except as provided in A.R.S. § 38-431.03(B);
 - b. A record classified as confidential by another law, rule, or regulation applicable to the Board;
 - c. College or university grades, medical or mental health information, and professional references of an applicant except that the applicant who is the subject of the information may view or copy the record;
 - d. An applicant's social security number, home address, and phone number;
 - e. A record for which the Board determines that public disclosure will have a significant adverse effect on the Board's ability to perform its duties or will otherwise be detrimental to the best interests of the state. When the Board determines that the reason justifying the confidentiality of the record no longer exists, the Board shall make the record available for public inspection and copying; and
 - f. Information regarding a complaint under investigation except as provided in A.R.S. § 41-1010.
11. "Day" means a calendar day.
12. "Direct supervision" means:
 - a. The athletic trainer is present in the facility or on the campus where the athletic training student is performing services;
 - b. The athletic trainer is immediately available for consultation; and
 - c. The athletic trainer reviews the performance of the athletic training student every grading period.
13. "Facility of practice" means the principal location of an agency or organization where an athletic trainer provides athletic training services but excludes areas used predominantly for athletic sport or competition.
14. "Good moral character" means an applicant:

- a. Has not, within five years of application for licensure, been convicted of, plead guilty to, or plead nolo contendere to a felony or misdemeanor that is directly related to public health, athletic care, or education. This includes, but is not limited to:
 - i. Rape;
 - ii. Sexual abuse;
 - iii. Actual or threatened use of a weapon of violence; or
 - iv. The illegal use, sale, or distribution of a controlled substance.
 - b. Has not, within five years of application for licensure, committed any act involving dishonesty, fraud, misrepresentation, gross negligence, or incompetence;
 - c. Is not currently incarcerated in a penal institution;
 - d. Has not had a professional license revoked or suspended for cause by this state or by any other jurisdiction, or surrendered a professional license in-lieu of disciplinary action;
 - e. Has not had athletic training certification revoked or suspended for cause by an approved national athletic training certifying agency; or
 - f. Has not practiced without the required licensure in this state or in another jurisdiction within the United States within the two years immediately preceding the filing of the application for licensure.
15. "Good standing" means that an athletic trainer.
- a. Has a current license;
 - b. Is not presently subject to any disciplinary action, consent order, or settlement agreement; and
 - c. Has no disciplinary action, consent order, or settlement agreement pending before any licensure Board or court.
16. "Licensee" means a person licensed in Arizona as an athletic trainer.
17. "NATA-BOC" means National Athletic Trainers' Association Board of Certification, Inc.
18. "National examination" means the national athletic training certification examination provided by the NATA-BOC.
19. "Substantive review time-frame" has the same meaning as in A.R.S. § 41-1072(3).

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 1374, effective March 7, 2001 (Supp. 01-1).

R4-49-102. Fees

- A. An applicant shall pay the following fees:
 - 1. Application for original license fee: \$250;
 - 2. Renewal license fee: \$125;
 - 3. Reinstatement of a license fee: \$125. This is in addition to the renewal license fee;
 - 4. Duplicate license fee: \$25.
- B. The Board shall charge 25¢ per page for copies of records, documents, letters, minutes, applications, and files.
- C. All fees are nonrefundable except as provided in A.R.S. § 41-1077.
- D. An applicant shall pay original license fees and returned or insufficient fund replacement checks in cash or by cashier's check or money order.
- E. An applicant shall pay renewal, reinstatement, and duplicate license fees in cash or by cashier's check, money order, or personal check.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 1374, effective March 7, 2001 (Supp. 01-1).

R4-49-103. Board Operations

- A. The Board shall meet annually in January on or after the third Monday of the month. The Board shall hold additional meetings as required by A.R.S. § 32-4103(A)(8) and as necessary to conduct the Board's business. Meetings may be convened by the Chair, a majority vote of the Board members, or upon written request to the Chair from at least two Board members.
- B. All Board records shall be open to public inspection and copying, except confidential records. Records may be inspected at the Board Office Monday through Friday, 8:00 a.m. to 5:00 p.m., except state holidays.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 1374, effective March 7, 2001 (Supp. 01-1).

R4-49-104. Service by the Board

The Board shall serve any Board decision, order, or subpoena by personal service or by mailing a copy by certified mail, return receipt requested. Service by certified mail shall be made to the last address of record filed with the Board. Service upon an attorney who has appeared on behalf of a party constitutes service upon the party. If service is by certified mail, service is complete upon mailing.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 1374, effective March 7, 2001 (Supp. 01-1).

ARTICLE 2. LICENSURE

R4-49-201. Qualifications for Licensure

- A. To qualify for an athletic trainer license a person shall:
 - 1. Meet the requirements at A.R.S. § 32-4122, and
 - 2. Pass the national examination.
- B. An applicant who is certified as an Athletic Trainer by NATA-BOC and continuously maintains athletic training certification before January 1, 2004 and is otherwise qualified for licensure under this Chapter, is exempt from subsection (A)(2).

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 1374, effective March 7, 2001 (Supp. 01-1).

R4-49-202. Original License Application

- A. An applicant for an athletic trainer license shall submit an original application that includes the following information:
 - 1. Applicant's full name;
 - 2. Applicant's name as it will appear on the license;
 - 3. Other names used;
 - 4. Social Security number;
 - 5. Residence address and telephone number;
 - 6. Date of birth;
 - 7. Applicant's national athletic training certificate number and date of certification;
 - 8. Post-secondary educational institutions attended;
 - 9. Professional experience, field work, or both within the last five years;
 - 10. Employer's name, address, and telephone number;
 - 11. Current or previous athletic training or other professional license or certification numbers from other states and foreign countries and the status of each license or certification;
 - 12. Current and previous arrest, criminal conviction, and disciplinary actions from any licensing agency or court;
 - 13. Affidavit of truth signed and notarized.

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- B.** An applicant shall submit or cause to be submitted on the applicant's behalf the following:
1. Application fee,
 2. Written verification from the NATA-BOC of athletic training certification or a passing score on the national examination as required by R4-49-201,
 3. Official academic transcripts from institutions listed on the application, and
 4. Two letters attesting to the applicant's good moral character from health care providers licensed under 4 A.A.C. Title 49.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 1374, effective March 7, 2001 (Supp. 01-1).

R4-49-203. Renewal License

- A.** To renew a license, a licensee shall submit a renewal application and a renewal fee in compliance with the schedule in subsection (D).
- B.** A licensee shall sign the renewal application and include the following:
1. Applicant's full name;
 2. Applicant's name as it will appear on the renewal license;
 3. Residence address and telephone number;
 4. Current Arizona Board of Athletic Training license number;
 5. Arrest, criminal conviction, and disciplinary actions from any licensing agency or court since last license renewal;
 6. Social Security number;
 7. Employer's name, address, and telephone number;
 8. Signature and date.
- C.** A licensee shall submit the renewal application and fees to the Board office by the first day of the month, based on the following schedule:
1. Last name begins with A-B: January,
 2. Last name begins with C-D: February,
 3. Last name begins with E-F: March,
 4. Last name begins with G-H: April,
 5. Last name begins with I-J: May,
 6. Last name begins with K-L: June,
 7. Last name begins with M-N: July,
 8. Last name begins with O-P-Q: August,
 9. Last name begins with R-S: September,
 10. Last name begins with T-U: October,
 11. Last name begins with V-W: November, and
 12. Last name begins with X-Y-Z: December.
- D.** Renewal license fees for the year immediately following the issuance of an original license are based on the time between the issuance of the original license and the time of license renewal as follows:
1. Less than two months: No fee;
 2. Two months or more but less than four months: 20% of the renewal license fee;
 3. Four months or more but less than six months: 40% of the renewal license fee;
 4. Six months or more but less than eight months: 60% of the renewal license fee;
 5. Eight months or more but less than 10 months: 80% of the renewal license fee; and
 6. Ten months or more: 100% of the renewal license fee.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 1374, effective March 7, 2001 (Supp. 01-1).

R4-49-204. Expired License: Reinstatement

- A.** A license expires if it is not renewed on or before the renewal date.
- B.** An expired license may be reinstated within three years of expiration of the license if:
1. The former licensee has current certification from the NATA-BOC as an athletic trainer;
 2. A renewal application is submitted under R4-49-203, and
 3. The license reinstatement fee and renewal fee are paid under R4-49-102.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 1374, effective March 7, 2001 (Supp. 01-1).

R4-49-205. License Application Review

- A.** For an original license, renewal license, or reinstated license as an athletic trainer the time-frames required by A.R.S. § 41-1072 et seq. are:
1. Overall time-frame: 120 days
 2. Administrative completeness review time-frame: 60 days
 3. Substantive review time-frame: 60 days
- B.** An administratively complete application for licensure consists of all the information and documents listed in:
1. R4-49-202 for an original athletic training license.
 2. R4-49-203 for renewal of an athletic training license, and
 3. R4-49-204 for reinstatement of an athletic training license.
- C.** The administrative completeness review time-frame, as described in A.R.S. § 41-1072(1) and listed in subsection (A)(2), begins on the date the Board receives an application.
1. If the application is not administratively complete when received, the Board shall send a notice of deficiency to the applicant. The deficiency notice shall state the documents and information needed to complete the application.
 2. The applicant shall submit to the Board the missing documents and information within 120 days from the postmark date of the deficiency notice. The time-frame for the Board to finish the administrative completeness review is suspended from the postmark date of the deficiency notice until the date the Board receives the missing documents and information.
 3. If the applicant fails to provide the missing documents and information within the 120 days provided, the Board shall close the applicant's file. An applicant whose file is closed and who wants to be licensed shall apply again under R4-49-202, R4-49-203, or R4-49-204.
 4. When the application is administratively complete, the Board shall send a written notice of administrative completeness to the applicant.
- D.** Substantive review time-frame, as described in A.R.S. § 41-1072(3) and listed in subsection (A)(3), begins on the postmark date of the notice of administrative completeness.
1. During the substantive review time-frame, the Board may make one comprehensive written request for additional information.
 2. The applicant shall submit to the Board the additional information identified in the request for additional information within 60 days from the postmark date of the request for additional information. The time-frame for the Board to finish the substantive review of the application is suspended from the postmark date of the request for additional information until the Board receives the additional information.
 3. Unless an applicant requests that the Board deny a license within the 60-day period in subsection (D)(2), the Board

shall close the file of an applicant who fails to submit the additional information within the 60 days provided. An applicant whose file is closed and who wants to be licensed shall apply again under R4-49-202, R4-49-203, or R4-49-204.

4. When the substantive review is complete, the Board shall inform the applicant in writing of its decision to grant or deny a license to the applicant.
 - a. The Board shall deny a license if it determines that the applicant does not meet all substantive criteria for licensure required by statute and rule.
 - b. The Board shall grant a license if it determines that the applicant meets all substantive criteria for licensure required by statute and rule.
 - c. If the Board denies an application, the applicant may, within 30 days of service of the notice of denial, make a written request for a hearing to review the Board's decision. The hearing shall be conducted under A.R.S. Title 41, Chapter 6, Article 10.
 - d. In a hearing conducted on a denial of a license, the applicant has the burden of proof.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 1374, effective March 7, 2001 (Supp. 01-1).

R4-49-206. License Display

A licensee shall display the licensee's current license issued by the Board in a conspicuous place in each facility of practice. A licensee may use a photocopy of the license to satisfy this requirement.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 1374, effective March 7, 2001 (Supp. 01-1).

ARTICLE 3. HEARINGS

R4-49-301. Hearing Procedures

The Board shall conduct all hearings held under A.R.S. § 32-4154 et seq. in accordance with A.R.S. Title 41, Chapter 6, Article 10 and rules issued by the Office of Administrative Hearings.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 1374, effective March 7, 2001 (Supp. 01-1).

R4-49-302. Rehearing or Review of Decision

- A. The Board shall provide for a rehearing and review of its decisions under A.R.S. Title 41, Chapter 6, Article 10.
- B. A party is required to file a motion with the Board for rehearing or review of a decision of the Board to exhaust the party's administrative remedies.
- C. A party may amend a motion for rehearing or review at any time before the Board rules on the motion.
- D. The Board may grant a rehearing or review for any of the following reasons materially affecting a party's rights:
 1. Irregularity in the proceedings of the Board, or any orders or abuse of discretion, that deprived the moving party of a fair hearing;
 2. Misconduct of the Board, its staff, an administrative law judge, or the prevailing party;
 3. Accident or surprise that could not have been prevented by ordinary prudence;
 4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
 5. Excessive penalty;

6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the proceedings;
 7. Evidence that the Board's decision was a result of passion or prejudice; or
 8. Findings of fact or decision that was not justified by the evidence or was contrary to law.
- E. The Board may affirm or modify a decision or grant a rehearing to all or any of the parties on all or part of the issues for any of the reasons in subsection (D). An order modifying a decision or granting a rehearing shall specify with particularity the grounds for the order.
 - F. When a motion for rehearing or review is based upon affidavits, they shall be served with the motion. An opposing party may, within 15 days after service, serve opposing affidavits. The Board may extend this period, for a maximum of 20 days, for good cause as described in subsection (I).
 - G. Not later than 10 days after the date of a decision, after giving parties notice and an opportunity to be heard, the Board may grant a rehearing or review on its own initiative for any reason for which it might have granted relief on motion of a party. The Board may grant a motion for rehearing or review, timely served, for a reason not stated in the motion.
 - H. If a rehearing is granted, the Board shall hold the rehearing within 60 days after the issue date on the order granting the rehearing.
 - I. The Board may extend all time limits listed in this Section upon a showing of good cause. A party demonstrates good cause by showing that the grounds for the party's motion or other action could not have been known in time, using reasonable diligence, and:
 1. A ruling on the motion will further administrative convenience, expedition, or economy; and
 2. A ruling on the motion will avoid undue prejudice to any party.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 1374, effective March 7, 2001 (Supp. 01-1).

ARTICLE 4. ATHLETIC TRAINING PRACTICE

R4-49-401. Scope of Practice

A licensee shall work within the scope of practice for athletic trainers stated in A.R.S. § 32-4101(3) and the domains, tasks, knowledge, and skills contained in National Athletic Trainers' Association Board of Certification Role Delineation Study: Athletic Training Profession (4th Edition), published in 1999 by the National Athletic Trainers' Association Board of Certification, Inc., 1512 S. 60th St., Omaha, NE 68106-2102, which is incorporated by reference and is on file with the Arizona Board of Athletic Training Office and the Secretary of State's office. The material incorporated contains no future amendments or editions.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 1374, effective March 7, 2001 (Supp. 01-1).

R4-49-402. Direct Supervision of Athletic Training Students

- A. A licensee may provide direct supervision to an athletic training student who is actively pursuing athletic training certification.
- B. A licensee shall not provide direct supervision to more than eight athletic training students at one time.
- C. A licensee is responsible for any treatment related to athletic training performed by an athletic training student who is under the licensee's direct supervision.

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- D.** Only a licensed athletic trainer is allowed to prepare an initial treatment plan, initiate or re-evaluate a treatment plan, or authorize in writing a change to a treatment plan.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 1374, effective March 7, 2001 (Supp. 01-1).

R4-49-403. Standards of Practice

A licensee shall work within the standards of practice for athletic trainers stated in A.R.S. § 32-4101(3) and the standards of professional practice contained in National Athletic Trainers' Association Board of Certification Standards of Professional Practice, Disciplinary Process, Requirements to Maintain Certification for the Certified Athletic Trainer, published in 2000 by the National Athletic Trainers Association Board of Certification, Inc., 1512 S. 60th St., Omaha, NE 68106-2102, which is incorporated by reference and is on file with the Arizona Board of Athletic Training Office and the Secretary of State's office. The material incorporated contains no future amendments or editions.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 1374, effective March 7, 2001 (Supp. 01-1).

R4-49-404. Code of Ethics

A licensee shall work within the code of ethics for athletic trainers stated in A.R.S. § 32-4153(10) and the Code of Ethics of the

National Athletic Trainers' Association, published in 1997 by the National Athletic Trainers' Association, 2952 Stemmons Freeway, Dallas, TX 75247, which is incorporated by reference and is on file with the Arizona Board of Athletic Training Office and the Secretary of State's office. The material incorporated contains no future amendments or editions.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 1374, effective March 7, 2001 (Supp. 01-1).

R4-49-405. Direction of a Licensed Physician

A licensee shall render service or treatment under the direction of a physician licensed under A.R.S. Title 32, Chapter 13 or 17, as follows:

1. The licensee shall have standard, written protocols for common athletic training activities approved by the physician.
2. The licensee shall have post-injury treatment guidelines that comply with A.R.S. § 32-4103(B) approved by the physician.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 4389, effective November 25, 2002 (Supp. 02-3).